

# WARRANT

## 2005 NOTICE

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, Ss

To either of the Constables of the Town of Lincoln in said County:

GREETING:

In the name of the Commonwealth you are hereby required to notify the legal voters of said Town of Lincoln qualified to vote at Town Meeting for the transaction of Town Affairs to meet at the Smith School Gymnasium on Monday, the twenty-eighth day of March next, at 7:30 a.m., then and there to act on the following Article 1, and also to meet in the Donaldson Auditorium in said Lincoln on Saturday, the second day of April next, at 9:30 a.m., then and there to act on the following articles, except Article 1, by posting a copy of this Warrant, by you attested, in said Town, seven days at least before the twenty-eighth day of March next."

The polls for voting the Australian ballot on Monday, March twenty-eighth will be opened at 7:30 a.m. and will be closed at 8:00 p.m.

### ARTICLE 1

To bring in their votes for one or more members for each of the following offices;

Town Moderator for three years  
Town Clerk for one year  
Selectman for three years  
Treasurer for one year  
Collector of Taxes for two years  
Assessor for three years  
School Committee member (2) for three years  
Water Commissioner for three years  
Board of Health member for three years  
Cemetery Commissioner for three years  
Planning Board member for five years  
Commissioner of Trust Funds for three years  
Trustee of Bemis Fund for three years  
DeCordova & Dana Museum and Park Trustee for four years  
Housing Commission member for three years  
Recreation Committee member for three years  
Regional School Committee member (2) for three years

and also to ask the following question:

Question 1:

Shall the Town of Lincoln be allowed to assess an additional \$490,000 in real estate and personal property taxes for the purpose of funding the Town's operating expenses for the fiscal year beginning July first, two thousand and five?

## ARTICLE 2

To bring in their votes for any Committees, Commissioners, Trustees, and other officers required by law to be elected by ballot or otherwise.

**Selectmen**

## ARTICLE 3

To hear and act upon the reports of the Town Officers, Committees, Commissioners and Trustees.

**Selectmen**

## ARTICLE 4

To fix the salaries and compensation of the several elective officers of the Town and to determine whether any Department, Board or Committee shall be authorized to employ for additional compensation any of its members and to fix additional compensation of such members.

**Selectmen**

## ARTICLE 5

To see if the Town will vote to accept Chapter 73, Section 4 of the Act of 1986 as amended by Chapter 126 of the Acts of 1988, for the purpose of increasing the real estate tax exemptions by 100 percent to all persons who qualify for property tax exemptions under Clauses 17, 17C, 17C1/2, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C and 41D under Chapter 59, Section 5 of the Massachusetts General Laws; or take any other action relative thereto.

**Assessors and Property Tax Relief Committee**

## ARTICLE 6

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to fund the Town's Senior Tax Work-off Program, established pursuant to Massachusetts General Law Chapter 59, Section 5K, and by vote of the Town under Article 6 of the 2003 Annual Town Meeting; or take any other action relative thereto.

**Selectmen**

## ARTICLE 7

To raise and appropriate money for the necessary and expedient purposes of the Town; or take any other action relative thereto.

**Finance Committee**

## ARTICLE 8

To hear a report from the Community Preservation Committee on the Fiscal Year 2006 Community Preservation Budget, and to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, and to determine whether such sums shall be raised from Community Preservation Fund, transferred from available funds, borrowed, appropriated from the stabilization fund, or any combination of these methods; or take any other action relative thereto.

### **Community Preservation Committee**

## ARTICLE 9

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to purchase new computer equipment for Town departments including hardware, software, licenses, installation, training, maintenance and other related costs; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 10

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to retain consultants to assess the town's existing radio communications infrastructure, to purchase equipment and to recommend improvements; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 11

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to rehabilitate classrooms at the Smith/Brooks Schools; or take any other action relative thereto.

### **School Committee**

## ARTICLE 12

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to purchase replacement computers for the Lincoln Schools including hardware, software, site licenses, installation fees and other related costs; or take any other action relative thereto.

### **School Committee**

## ARTICLE 13

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to purchase a new van for the Lincoln School Department; or take any other action relative thereto.

### **School Committee**

#### ARTICLE 14

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to supplement funds previously voted under Article 14 at the March 2004 Annual Town meeting, to remove the canopy on the Hartwell PODs; or take any other action relative thereto.

#### **School Committee**

#### ARTICLE 15

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to replace and/or repair a number of self contained breathing apparatus units for the Lincoln Fire Department; or take any other action relative thereto.

#### **Selectmen**

#### ARTICLE 16

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to purchase two vehicles and related equipment for the Lincoln Police Department, and to see if the Town will authorize the disposal by sale or otherwise of excess vehicles and equipment; or take any other action relative thereto.

#### **Selectmen**

#### ARTICLE 17

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to conduct a facilities study of certain Town buildings; or take any other action relative thereto.

#### **Selectmen**

#### ARTICLE 18

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to purchase a multi-purpose vehicle and related equipment for the Lincoln Highway Department; or take any other action relative thereto.

#### **Selectmen**

#### ARTICLE 19

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to be used for the construction, reconstruction, and/or repair of roads and bridges and related costs pursuant to the State's Chapter 90 reimbursement program; or take any other action relative thereto.

#### **Selectmen**

## ARTICLE 20

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, for the repair and maintenance of certain Town buildings; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 21

To see if the Town will vote to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, for the repair and maintenance of the Lincoln Library; or take any other action relative thereto.

### **Library Trustees**

## ARTICLE 22

To see if the Town will vote to appropriate and transfer from the Cemetery Sale of Lots account a sum of money to expand the Lexington Road Cemetery; or take any other action relative thereto.

### **Cemetery Commission**

## ARTICLE 23

To see if the Town will vote to appropriate and transfer from Water Surplus and the Water Department Insurance Reimbursement Account a sum of money to purchase a replacement truck and related equipment for the Lincoln Water Department; or take any other action relative thereto.

### **Water Commission**

## ARTICLE 24

To see if the Town will vote to appropriate and transfer from Water Surplus a sum of money to develop and install a new drinking water well on Tower Road, including any necessary consulting services; or take any other action relative thereto.

### **Water Commission**

## ARTICLE 25

To receive and act on a recommendation from the Board of Selectmen and Finance Committee with regard to the presentation of the annual Bright Light Award; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 26

To see if the Town will vote to reauthorize revolving accounts previously established by vote of the Town under Massachusetts General Law, Chapter 44, Section 53E ½, for the following purposes: school bus fees, pre-school tuitions, fire alarm maintenance fees and housing rental income, said fees to be expended by the authorized entity without further appropriation; or take any other action relative thereto.

### **Selectmen**

ARTICLE 27

To see if the Town will vote to authorize the Lincoln Police Department to establish for the fiscal year beginning July 1, 2005 a revolving fund account in accordance with Chapter 44, Section 53E½ of the Massachusetts General Laws, for the purpose of placing in the account the revenues raised through the issuance of Firearms Licenses, said funds shall be expended under the authority of the Police Department without further appropriation for the purpose of administering the firearms licensing program; or take any other action relative thereto.

**Selectmen**

ARTICLE 28

To see if the Town will vote to establish a Housing Fund which, consistent with the provisions of the Lincoln Housing Commission's enabling legislation (c. 359 of the Acts of 1979), will create a mechanism through which the Town may appropriate money, receive gifts and grants to acquire land, including buildings thereon, to construct, renovate, reconstruct, equip, furnish, rent, manage, maintain or sell land or buildings, or any portions of such land or buildings, at a location or locations to be selected by said town for the purpose of providing housing for persons of low and moderate income and others whose needs may be identified from time to time; or take any other action relative thereto.

**Housing Commission**

ARTICLE 29

To see if the Town will vote to hear a report from the Board of Selectmen regarding the status of the Department of Defense Base Realignment and Closure (BRAC) process and its implications for the future of Hanscom Air Force Base and the surrounding communities, including Lincoln, and to raise and appropriate a sum of money by taxation, by transfer from available funds, by borrowing or any combination thereof, to provide funds to support whatever planning and legal due diligence that may be required to protect the Town's interests; or take any other action relative thereto.

**Selectmen**

ARTICLE 30

To see if the Town will vote to appropriate from the Stabilization Fund a sum of money for the purpose of reducing principal and interest payments on debt previously authorized; or take any other relative thereto.

**Finance Committee**

ARTICLE 31

To see if the Town will vote to apply free cash or any other source of funds to reduce the total amount to be raised by taxation pursuant to the votes previously taken under Article 7 of this Warrant; or any other article of this Warrant authorizing the appropriation of funds.

**Finance Committee**

## ARTICLE 32

To see if the Town will support the concept of permitting local advertising within the Annual Report to pay for its production; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 33

To see if the Town will vote to permit the Lincoln Board of Selectmen to establish an Agricultural Commission; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 34

To hear a report from the Natural Resource Committee and to act on any recommendations it may present including the potential of adopting a Water Conservation By-law; or take any other action relative thereto.

### **Natural Resource Committee**

## ARTICLE 35

To see if the Town will vote to accept Chapter 41, Section 19K of the Massachusetts General Laws, to allow the town to provide additional compensation, up to \$1,000 annually, to the Town Clerk, once all courses and training requirements have been met and the Town Clerk has been certified as a Massachusetts municipal clerk by the Massachusetts Town Clerks' Association; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 36

To hear a report from the Planning Board regarding consideration of creating one or more Neighborhood Conservation Districts; or take any other action relative thereto.

### **Planning Board**

## ARTICLE 37

To hear a report from the Selectmen's Task Force on Accessory Apartments; or take any other action relative thereto.

### **Selectmen**

## ARTICLE 38

To see if the Town will vote to amend the Zoning Bylaws by adding an Inclusionary Housing Section substantially as follows:

### 14.5 Inclusionary Housing

14.5.1 Purpose and Intent – The purpose of this Bylaw is to increase the supply of housing in the Town of Lincoln that is available to and affordable by low or moderate income households who might otherwise have difficulty in finding homes in Lincoln, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of the Town of Lincoln Consolidated Housing Plan, M.G.L. Chapter 40B Sec. 20-23 as amended and other ongoing programs within the Town. It is intended that the affordable housing units that result

from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD) or its successor or like programs and that such units count toward the Town's Subsidized Housing Inventory (SHI) for purposes of determining obligations under M.G.L. Chapter 40B sec. 20-23. It is intended that this Bylaw provide a mechanism to compensate for those decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.

14.5.2 Applicability – Beginning with the effective date of this Bylaw, any development or division of land subject to M.G.L. Chapter 40A Section 9 or M.G.L. Chapter 41 Section 81K through 81GG, which will result in the creation of six (6) or more dwelling units, shall require affordable housing units under a Special Permit pursuant to Section 21 of the Zoning Bylaw and Section 17 Site Plan Review.

14.5.2.1 This section shall be applied based on the following schedule for the number of units or lots in a proposed development:

| <u># of dwelling units proposed</u> | <u># of affordable units to be constructed</u>                |
|-------------------------------------|---|
| 6 – 10 units                        | one affordable unit   |
| 11 – 18 units                       | two affordable units  |
| 13 – 18 units                       | three affordable units  |
| 19 – 24 units                       | four affordable units   |
| 25 – 30 units                       | fifteen percent (15%) of the                                  |
| over 30 units                       | proposed project units rounded up to the nearest whole number |

14.5.2.2 Dwelling units shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of the adoption of this Bylaw Section 14.5.

14.5.3 Definitions

14.5.3.1 Affordable Housing Unit – a dwelling unit that qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) or, at a minimum, is deemed affordable to households earning no more than 80% of the area median income (as determined by DHCD) and meets the requirements of a subsidized housing unit for the purposes of listing in the Subsidized Housing Inventory.

14.5.3.2 Qualified Affordable Housing Unit Purchaser – An individual or family with household incomes that qualify for the requirements under the Commonwealth's Local Initiative Program (LIP), or successor or like program, for median area income as reported from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

14.5.4 Provision of Affordable Dwelling Units - affordable dwelling units required under sections 14.5.1 and 14.5.2 may be provided in any one or combination of methods described below; subject to approval of the Planning Board or Board of Appeals as appropriate:

- a. Constructed on the locus subject to the Special Permit;
- b. An applicant may offer, and the Planning Board or Board of Appeals as appropriate, in concert with the Board of Selectmen, may accept donations of land in fee simple, on or off-site within the Town of Lincoln, that the Planning Board determines to be suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the development and construction of the affordable units. The Planning Board or Board of Appeals may require prior to accepting land as satisfaction of the requirements of this Bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value;

- c. Dwelling units within the Town of Lincoln through the purchase of deed restrictions or other interests in existing dwelling units and providing funding for rehabilitation of units equal to or greater than the value of the development and construction of the affordable units.
- d. Fees-in-lieu of affordable housing units may be used as allowed by law and with the approval of the Planning Board or Board of Appeals as appropriate. With such approval the applicant may contribute an amount in cash equal to or greater than the value of development and construction of such affordable housing units, and satisfactory to the Planning Board or Board of Appeals in consultation with other Town Boards, to the Town of Lincoln's Affordable Housing Fund or other designee for the development and preservation of affordable housing in Lincoln.

14.5.4.1 Affordable Housing Units shall be only of a type allowed by the appropriate zoning district.

14.5.4.2 Affordable Housing Units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average be no less accessible to public amenities such as open space, as the market rate units.

14.5.4.3 Minimum design and construction standards for affordable units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units.

14.5.4.4 Timing of construction or provision of affordable units or lots - where feasible affordable housing units shall be provided coincident to the development of the market-rate units, but in no event shall the development of affordable units be delayed beyond the rate established in section 14.5.2.1.

14.5.5 Rules and Regulations – the Planning Board and Board of Appeals in consultation with the Lincoln Housing Commission and other Town Boards shall develop rules and regulations to implement the provisions of this Bylaw.

Or take any other action relative thereto.

**Planning Board**

ARTICLE 39

To hear a report from the Planning Board's Cell Tower Task Force; or to take any other action relative thereto.

**Planning Board**

ARTICLE 40

To see if the Town will vote to amend the Zoning Bylaw by deleting the existing Section 23 and replacing it as follows:

SECTION 23 DEFINITIONS. In this Bylaw the following terms shall have the meanings described below:

Accessory Use or Structure: A use or structure which is subordinate to, customarily incidental to and located on the same lot with the principal use or building to which it is accessory.

Attic: That portion of a pitched roof building located under the roof construction and above the ceiling construction of the story immediately below. (See Space, Attic)

Basement: A basement is that portion of a building which is partly or completely below average natural grade. (See Space, Basement and Story)

Building: A structure adapted to permanent or continuous occupancy for assembly, business, professional, education, industrial, institutional, residential or storage purposes; no trailer or mobile home shall be used as a building; and the term "building" shall be construed as if followed by the words "or portion thereof."

Building Envelope: Area within which buildings may be built.

Cooking Facilities: Any facilities (including without limitation a hot plate or portable oven, but not including an outdoor grill) which permit the occupant of a building to prepare or serve hot meals in the building on a regular basis.

Developable Site Area: That part of a lot which remains after subtracting from the lot area all land which is located in:

1. a street
2. an area subject to protection under the Wetlands Protection Act, Chapter 131, Section 40 of the Massachusetts General Laws, as defined in Title 310 of the Code of Massachusetts Regulations; and
3. any zoning district in which the principal use of the lot is not permitted.

Dwelling: A building containing one or more dwelling units.

Dwelling, Two Family: A single building containing two dwelling units.

Dwelling Unit: A portion of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities, but not including trailers or mobile homes, however mounted, or commercial accommodations offered for periodic occupancy.

Grade, Average Natural: The average of the elevations of the natural grades around the perimeter of a proposed building, as determined by the formula:

$$\frac{\sum^s [L(e^1 + e^2) / 2]}{P}$$

$\sum$  = sum of segments

S = a segment of the building perimeter

$e^1$  and  $e^2$  = the natural grades at the respective ends of the segment

L = the corresponding length of the segment

P = the length of the total building perimeter.

In the case of a rectangular building, average natural grade may be determined by taking the average of the natural grades at the four extreme corners of the building.

Grade, Finished: The final elevation of the land at any point along the perimeter of a building at the completion of construction. The elevation of the finished grade shall be determined by a site plan satisfactory to the Planning Board showing proposed contours at the completion of construction.

Grade, Natural: The elevation of the land in its natural state at any point along the perimeter of a proposed building prior to disturbance for construction, filling or excavation. The natural grade shall be certified by a registered land surveyor, or may be such elevation as may be determined from maps or records satisfactory to the Planning Board.

Grade Plane: A reference plane representing the average finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six (6) feet from the building.

Gross Floor Area: The sum, in square feet, of the horizontal interior areas of all floors of a building or structure, or several buildings or structures on the same lot, measured from the exterior face of exterior walls, or from the center line of a party wall.

Gross Floor Area, Calculated: The sum in square feet of the gross floor area of all existing and proposed structures above average natural grade on the lot including the portion of any attic space, basement space and implied gross floor area, but excluding unheated portions of barns existing for more than ten (10) years and basements.

Gross Floor Area, Implied: The sum of the horizontal portions of any floor or story in any buildings or structures on the same lot that are open to the floor below that, if filled in with a structural floor, would create additional usable floor area.

Hotel, Motel or Lodging House: A building, or part thereof, or a group of buildings on a single lot, where space is used for sleeping or eating by more than three (3) persons as paying guests, regular or transient.

Land, Open: A parcel or parcels of land or an area of water, or a combination of land and water, not including roads, set aside in an undeveloped state for the benefit, use and enjoyment of the residents of the Town and the residents of a cluster development, an R-3 OSRD development, an R-4 PCD development, or a North Lincoln Planned Development District, as the case may be.

Land, Qualifying Area of a Tract: Eighty five (85) percent of the Land Usable for Residential Construction in that tract of land.

Land Usable for Residential Construction: Land found by the Planning Board and Board of Health, at the time of application for special permit, building permit or subdivision approval, assuming compliance with this Zoning Bylaw, to be suitable for the construction thereon of residential dwelling units under the applicable laws and bylaws and rules and regulations of the Town of Lincoln and Commonwealth of Massachusetts.

Lot: The whole area of a parcel of land or contiguous parcels of land in common ownership. Each separate and distinct parcel of land as shown on a plan recorded or registered at the Middlesex South Registry of Deeds or Registry District of the Land Court, shall be considered a lot for the purposes of this Bylaw. The term "lot" shall also include the following:

1. any such whole area which is shown as one lot on any plot plan accompanying an application for a building permit, or;
2. any such whole area which is necessary to render any structure or use conforming in accordance with this Bylaw or legal and non-conforming in accordance with Section 4.5.

Lot Lines:

1. Front lot line: that property line which establishes frontage on a way.
2. Rear lot line: that property line which is furthest from and most nearly parallel to the front lot line. All other lot lines are side lot lines. Triangular and irregularly shaped lots may have no rear lot line.
3. Side lot line: any other property line.

Motor Vehicle: all vehicles constructed and designed for propulsion by power, other than muscular power, including such vehicles when pulled or towed by another motor vehicle, regardless of condition. In doubtful cases the Planning Board may determine whether or not any particular vehicle is a motor vehicle as herein defined.

Motor Vehicle Parts: Any equipment, accessory, used or new integral part generally recognized as belonging to or an attachment to a motor vehicle.

Motor Vehicle Repair Shop: A shop or garage for the repair of motor vehicles, other than a private garage or service station

Motor Vehicle Service Station: A structure or lot used for the sale of gasoline and oil or for servicing or storing motor vehicles other than a private garage.

Premises: A lot, including where the context so requires, any structures on the lot.

Private Garage: Covered space for the housing of motor vehicles, no more than two of which belong to others than the occupants of the lot on which such space is located.

Public Safety Facility: Any structure or structures used for police, fire, and technical emergency medical protection.

Repair Services or Shop: A shop or business for the repair of small engines, appliances, light equipment, electronics, or other non-motor vehicle type equipment.

Rooming or Boarding House: A dwelling in which the person resident therein provides eating and/or sleeping accommodations for not more than three paying guests who are not provided with separate cooking facilities and who use the cooking facility ordinarily used by the resident family.

Space, Attic: The sum of the horizontal area(s) in an attic, including all areas under or within a dormer, whether such areas are finished or unfinished, in which the vertical distance between the attic floor and the attic ceiling exceeds, or structurally could exceed five (5) feet.

Space, Basement: The sum of horizontal area(s) below the average natural grade that meet the criteria of a story.

Story: That portion of a building included between the upper surface of a floor and the upper surface of a floor or roof next above. A basement shall be considered a story where the finished surface of the floor above the basement is:

1. more than four (4) feet above grade plane; or
2. more than four (4) feet above average natural grade for more than fifty (50) percent of the total building perimeter; or
3. more than ten (10) feet above the natural grade at any point.

Story, Half: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath. Spaces not satisfying this definition shall be considered a full story.

Street:

1. a public way or a way which the clerk of the Town certifies is maintained and used as public way, or
2. a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or

3. a way in existence when the subdivision control law became effective in the Town of Lincoln having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Street Line: The side line of a street or way, as determined by deeds and plans recorded at the Registry of Deeds; where no line is thus legally established, then a line parallel with and twenty five (25) feet distant from the center line of a traveled way.

Structure: A combination of materials assembled at a fixed location to give support or shelter. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part or parts thereof". In particular, the term "structure" shall include, but not be limited to: (a) buildings, (b) stadiums, (c) tents, (d) reviewing stands, (e) platforms, (f) stagings, (g) observation towers, (h) water tanks, (i) play towers, (j) swimming pools, (k) animal enclosures, (l) trestles, (m) sheds, (n) shelters, (o) courts for tennis or similar games, (p) backstops, (q) backboards, (r) fences, or (s) display signs.

Subsidized Housing: Housing for people of low or moderate income which is constructed, rehabilitated, remodeled and sold, leased, or rented by the Town of Lincoln, a local housing commission or authority, or by any other public agency, non-profit corporation, limited dividend corporation or partnership or cooperative, the construction, remodeling, financing, sale, lease or rental of which housing is regulated and financially assisted by agencies of the government of the United States or of the Commonwealth of Massachusetts under programs the purpose of which is to provide housing for people of low or moderate income. For the purposes of this paragraph, the terms "low income" and "limited dividend corporation or partnership" shall have the meanings defined in the programs or laws administered by such agencies.

Wireless Communication Facility or Facilities: shall mean all types of fixtures, structures, or equipment used by or intended for use by a public utility or an FCC-licensed commercial entity for the wireless transmission and reception of radio signals including:

1. reception and transmission equipment and fixtures such as antennas and similar devices, and
2. antenna support structures that are erected and used primarily to support such reception and transmission equipment. A Wireless Communications Facility may include accessory mechanical, electronic, or telephonic equipment necessary to operate such facility; provided, however that such facility shall be a transmission and reception substation, not a principal facility for conducting a communication business.

Yard: An open space on a lot unoccupied by a building or structure.

1. Front yard: A yard extending between lot side lines across the lot adjacent to each street it abuts.
2. Rear yard: A yard extending between lot side lines across the lot adjacent to the rear line of the lot.
3. Side yard: A yard extending along each side line of a lot between the front and rear yards.

Or take any other action relative thereto.

**Planning Board**

## ARTICLE 41

To see if the Town will vote to amend the following sections of the Zoning Bylaw to make appropriate technical or grammatical corrections and to correct section references, none of which amendments make any significant changes to the Zoning Bylaw (deleted language lined out, added language in **bold face**):

1. Add the following to Section 7.2 (b):

and provided that no building permit for a two-family dwelling shall be issued unless a site plan has been submitted and approved in accordance with the provisions of **Section 17** below.;
2. Amend Section 12.6.6 (b) third paragraph after the word "lesser" as follows:

twenty (20) feet above the lesser ~~or~~ **of** either the preexisting tree ...;
3. Amend Sections 16.2 and 16.4 as follows:

...under subsections 16.3(a), 16.3(b) **and** 16.3(e) ~~and 16.3(f)~~;
4. Add the following to Section 17.2 after the words "registered engineer,":

...site plans shall also be prepared by a professional architect, registered engineer, **registered land surveyor**, or landscape architect at a scale ....;
5. Amend Section 17.3 first paragraph last sentence as follows:

... and shall make a decision within 30 days of the ~~opening~~ **closing** of the public hearing.;
6. Amend Section 13.4 as follows:

Accessory Structures, as ~~enumerated in Section 23.28~~ **defined in Section 23 and enumerated under Structure** (a-q) shall not be located closer than 50 feet from the street line nor any closer to any side or rear lot line than the height of such accessory structure above the ground level or 20 feet, whichever is greater. Accessory structures, as ~~enumerated in Section 23.28~~ **defined in Section 23, and enumerated under Structure** (b-q) may be located without regard.;
7. Amend Section 6.6.2 (c) (iii) as follows:

Definition of Land Usable for Residential Construction (~~23.14~~) **(Section 23)**;

8. Amend the Zoning Bylaw by amending Section 18.5.5 6. in both instances after the words "bicycle path":
  6. The location of a fence shall be set back at least ten (10) feet from the edge of the public way where there is no bicycle path **or sidewalk**, and at least five (5) feet from a bicycle path **or sidewalk**;

Or take any other action relative thereto.

**Planning Board**

ARTICLE 42

To see if the Town will vote to amend the Zoning Bylaw by amending Section 13.3 as follows:

The ~~total area of the enclosed space in~~ **Calculated Gross Floor Area** of all buildings on any lot shall not exceed twenty-five (25) percent of the area of the lot; or take any other action relative thereto.

**Planning Board**

ARTICLE 43

To see if the Town will vote to amend the Zoning Bylaw by adding the following Section:

21.7.1 The Planning Board, in accordance with MGL Chapter 40A, Section 9, may provide for one associate member to serve when the Planning Board has been designated as a special permit granting authority. The associate member position shall be filled by the joint appointment of the Planning Board and the Board of Selectmen. The Chairperson of the Planning Board may designate the associate member to sit on the Board for the purpose of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board. The term of the Associate Member shall be three (3) years; or take any other action relative thereto.

**Planning Board**

ARTICLE 44

To see if the town will vote to amend the zoning bylaw by adding the following Section:

6.6.5 Upon approval of the cluster subdivision special permit by the Planning Board, development of individual lots within the cluster shall require site plan review in accordance with Section 17.7 of this bylaw. Amendments or changes to approved site plans shall require Planning Board review in accordance with Section 17.7 unless the Planning Board makes a determination such amendment or change is de-minimus as stated under section 17.7.4(g)

and further to amend the zoning bylaw by amending section 17.7, section 17.7.1, section 17.7.4(b), and section 17.7.4(g) as follows:

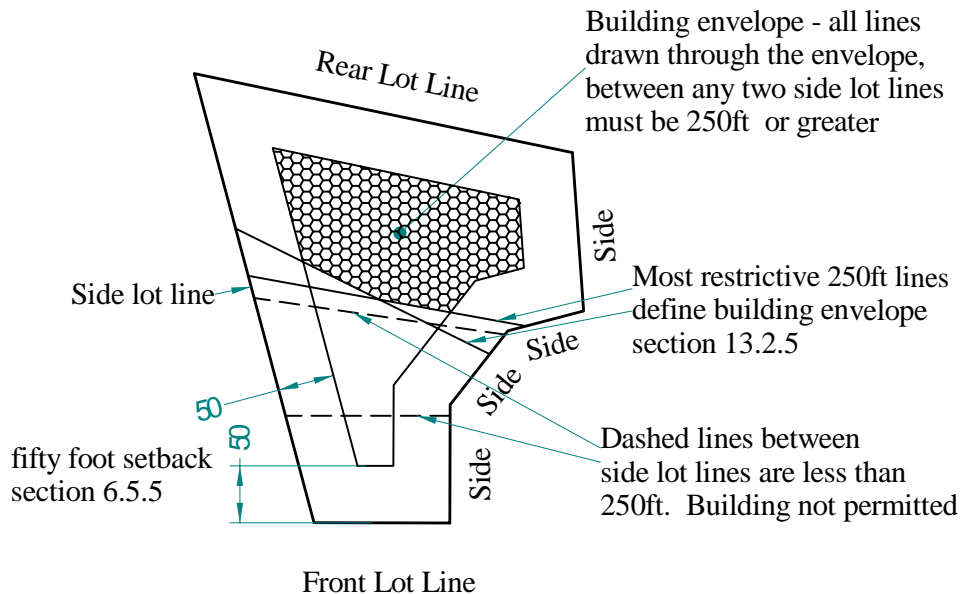
Section 4.6, 6.0.1, and 6.0.2, **and 6.6;**

Or take any action relative thereto.

**Planning Board**

ARTICLE 45

To see if the town will vote to amend the zoning bylaw by replacing the existing "Figure 1" and replacing it with a new "Figure 1" as follows:



Or take any other action relative thereto.

**Planning Board**

Hereof fail not and make return of this Warrant with your doings, thereon to the Town Clerk, at or before the time for the meeting aforesaid. Given under our hands this the fourteenth day of February in the year of our Lord two thousand and five.

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Sarah Cannon Holden

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Sara A. Mattes

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Gary A. Taylor, Chair

SELECTMEN OF LINCOLN

